

MEMORANDUM

DATE: November 17, 2004

TO: Planning and Zoning Board

FROM: Marc LaFerrier, Planning and Zoning Services Director
Liz Holt, AICP, Acting Principal Planner

BY: Mark McDonnell, AICP, Planner III

SUBJECT: PZ Case No. 11-T-04

Applicant: City of Fort Lauderdale/Bermuda Riviera Neighborhood Association

Request: Amend Sec. 47-5.31 of the Unified Land Development Regulations (ULDR) to increase the minimum side yard setback requirement from 5 feet to 7.5 feet in the RS-8 zoned Bermuda-Riviera neighborhood to create consistency with the original private covenants.

INTRODUCTION

This case was heard before the Planning and Zoning Board at its regular meeting on October 20, 2004 (see previous staff memo and exhibits). The case was deferred by the Board with the instruction that the staff send certified mail notices to the two (2) property owners whose properties would be made nonconforming by the adoption of this proposed text amendment (see attached letters)

One of the certified mail receipts has been returned to our offices indicating that the letter was delivered and received by Matthew Glynne Furber. We will provide an update on this at your November 17 meeting.

The purpose of this amendment is to change the side yard setbacks for the Bermuda-Riviera (hereinafter B-R) area (**Exhibit 1-Map**) from 5.0 feet, as currently required by the ULDR, to 7.5 feet (**Exhibit 2-Draft ULDR language**). This will create consistency between the minimum side yard setback requirement in the ULDR for the B-R neighborhood and those in the original private covenants that previously governed properties in this area. Opinion surveys from the property owners have been submitted showing support for this ULDR amendment. An analysis of properties in B-R that would be made non-conforming by this amendment specific to side yard setbacks indicates that construction completed since 1994 when the deed restrictions expired would result in two properties becoming non-conforming, with side yards of 6.8 feet and 7 feet, slightly less than the proposed 7.5 feet.

BACKGROUND

It should be noted that a similar zoning text amendment changing side yard setbacks was approved for the RS-8 zoned portions of the Coral Ridge Country Club and Gramercy Park neighborhoods of the City in early 1999 for the purpose of preserving neighborhood character that was created by the original deed restriction. This current proposal for B-R will achieve the same goal.

PRIOR ACTIONS

On September 4, 2002, the City Commission enacted zoning in progress (ZIP) for the side yard text amendment for B-R (**Exhibit 3-minutes**). Since then, the 7.5-foot minimum side yard setback has been enforced.

COMPREHENSIVE PLAN

The City's Comprehensive Plan provides the following goals, objectives and policies in support of this ULDR amendment:

Goal 1: Preserve, enhance, and revitalize the City's existing neighborhoods.

Objective 1.1: Enhance neighborhood preservation goals.

Policy 1.1.1: Continue to utilize community design standards to enhance neighborhood preservation.

Policy 1.1.3: To ensure stability of existing neighborhoods, the Planning and Zoning Division will review future rezonings for impacts upon neighborhood quality in accordance with adopted Neighborhood Master Plans.

Planning and Zoning Board as the Local Planning Agency:

The Board, acting as the Local Planning Agency, shall consider a motion finding that the proposed amendment is consistent with and furthers the goals, objectives and policies of the City of Fort Lauderdale Comprehensive Plan.

Planning and Zoning Board Options:

1. Recommend approval as proposed.
2. Recommend approval with amendments.
3. Recommend denial.

PZ11-T-04/11-17-04/MMcD.